



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, WEDNESDAY, JULY 22, 2015

No. 115

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Mighty God, hear our prayers, search our hearts, and know our thoughts. Teach us to not transgress with our lips.

Keep the steps of our lawmakers on Your paths, inspiring them to not slip from the way of integrity. Hear and answer their prayers, saving them with Your right hand. Lord, preserve them as the apple of your eye, ordering their steps and bringing them to Your desired destination.

We love You, Lord, for You are our strength.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

THE HIGHWAY BILL

Mr. MCCONNELL. Mr. President, I regret that yesterday's procedural vote on the multiyear bipartisan highway bill was not successful. It wasn't a vote to approve the bill; it was just a vote to agree to talk about it. We held that vote when we did because we wanted to give the House more space to work on it. But some Members said they wanted

more time to review it before agreeing to talk about it, so we will take that procedural vote again later today. Because we are still determined to get this to the House in a timely manner, we expect to work through Saturday to ensure that we do.

Here are the key components of the legislation:

It is a bipartisan, long-term, multiyear measure that will fund our roads, highways, and bridges for longer than any transportation bill considered by Congress in a decade—and this highway proposal will do so without raising taxes or adding to the deficit.

It will give State and local governments the kind of stability and certainty they need to better plan road and infrastructure projects into the future, while also providing them with more flexibility in pursuing those projects.

It will instill real transparency and accountability into the funding process, so Americans can actually see where infrastructure tax dollars are going and how they are being spent.

It will help break the habit of Washington always looking to hike up the gas tax to fund its spending instead of looking for spending cuts and efficiencies first. Here is what we know about the gas tax: It hits hardest those who struggle just to get by, and too many Americans have been struggling the past few years. It is not fair to hit those Americans again with yet another unfair policy from Washington.

Some people might be a little shocked to see the Senator from California and me working across the aisle to put this bill together. Some might have been shocked to see President Obama and Republicans working together to pass important trade legislation for American workers or a Republican Senator from Tennessee and a Democratic Senator from Washington helping the Senate come to agreement on replacing No Child Left Behind. But my view is that if you can agree on a

policy that is good for the American people, you should be willing to look past the "D" or "R" next to somebody's name in order to get it enacted.

Senators from both parties know that a long-term highway bill, which we have all been talking about for literally years, is in the best interest of our country, so we are working together to get a good one passed. Thanks to the dedication of both Republican and Democratic Senators and their staffs, I am hopeful we will.

NUCLEAR AGREEMENT WITH IRAN

Mr. MCCONNELL. Mr. President, I have said that the Senate intends to thoroughly review the White House's deal with Iran and then take a vote on it under the terms of the Iran Nuclear Agreement Review Act. This is a review process which allows us to determine whether the administration complied with the law and delivered the complete agreement, and it is a review process which continues today.

We will have an all-Senators briefing later this afternoon to get a more detailed analysis of the agreement. It will be a time for Senators to ask questions and get a stronger sense of whether this deal can be verified. I know many are eager to do so. Senators from both sides of the aisle have questions for the Obama administration. Then, tomorrow, Secretaries Kerry, Lew, and Moniz will come to the Senate to testify before the Foreign Relations Committee. I know they are expecting a lot of serious, thoughtful questions, including from Members of their own party—and they should because the onus is on any administration to explain why a deal such as this is a good one for our country.

It is always the administration, not Congress, that carries the burden of proof in a debate of this nature, and it seems the administration today has a long way to go with Democrats and Republicans alike. For instance, many

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Members in both parties—including Democratic leadership in Congress—warned the administration not to have the U.N. vote on this agreement before the American people and the Congress they elected had a chance to weigh in first. There was no reason to seek U.N. approval first, but the administration ignored Democrats, ignored Republicans, and did so anyway. Why? Why did they do that? They need to explain.

Is this deal really about keeping America, the region, and the world safer, or is it simply a compendium of whatever Iran will allow—an agreement struck to take a difficult strategic threat off the table but one that might actually empower the Iranian regime and make war more likely? They need to explain this, too, because Iranian leaders, including the Foreign Minister, have hailed this deal as a victory over America. The Iranian Foreign Minister says this is a great victory over America. The Supreme Leader even boasted that “our policies toward the arrogant US government will not change.” That is the Supreme Leader of Iran—“Our policies toward the arrogant US government will not change”—and he said that to chants of “Death to America” from the crowd below. Even Secretary Kerry was taken aback by the response from Iran.

We know this isn't about playing to some electorate in Iran because the Islamic Republic isn't truly a republic, and the unelected Supreme Leader has no electorate to report to. So we need to move beyond the rhetoric—including that the choice here is between a bad deal and war, which no serious person truly believes—and get to real answers instead. Our committees will be holding hearings that will begin to shine a light on this agreement, and they will aim toward getting the American people more of the answers they deserve. Tomorrow's hearing will be important, but it is not the end of the process, it is just the beginning. We will have more hearings. We will interview more witnesses. We will continue endeavoring to answer the question of whether this deal will enhance or harm our national security. And then we will take a vote on it on behalf of the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THE HIGHWAY BILL

Mr. REID. Mr. President, I am having a caucus today. We have the bill. We worked through the night. I wasn't up all night, but my staff was. I did spend quite a bit of time on this bill. I think we have a basic understanding of it. I am having a caucus today, and we will have my ranking members from Finance, Commerce, Energy, and Banking report on how they look at this bill.

It is my hope that we can work our way through all the issues dealing with this legislation. I think the main reason we are where we are now is we have focused on the importance of a long-term highway bill. So I hope we can work our way through these issues. There are some significant issues, I have already been alerted by my staff, with the transit title. Some of the pay-fors are somewhat questionable. But before we start drawing lines in the sand here, let's see if we can figure out a way to get this done. So we will know that sometime early this afternoon.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, Alexander Hamilton said, “The first duty of society is justice.” If that is true—and I certainly believe it is—then the Republican Senate is failing miserably on its first duty. By neglecting to live up to their constitutional duty to provide “advice and consent,” it is clear the Republican leader and his party are denying justice for the American people.

Federal courts depend on us—the United States Senate—to do our job so justice can be dispensed in courtrooms across the country. But Republicans clearly have no interest in seeing these courtrooms and judicial chambers staffed adequately. So far this Congress, Republicans have confirmed only five judges. By this same point in the last Congress of George W. Bush's Presidency, under my leadership, the Senate had confirmed 25 judges. Five to one seems unfair. There are real repercussions when Republicans refuse to act. We didn't have judicial vacancies then. We did it because it was the right thing to do.

If there aren't enough judges to hear the cases that are piling up, a vacant judgeship is declared an emergency. At the beginning of this year, there were only 12 judicial emergencies that deserved priority attention. Yet, in the mere 7 months of this Republican-controlled Senate, the number has doubled and is on its way to tripling very soon. As of today there are 28 judicial emergencies, including 4 judges currently pending on the floor. But that is really an unfair view because having them pending on the floor takes into consideration that the Judiciary Committee is doing their job—holding hearings on these nominations—and they are not. This is something which was learned years ago when the Judiciary Committee was operated by the present chair of the Finance Committee. How he got around having these judicial nominations stacked up on the calendar was he wouldn't do the hearings. That is what has now been taking place in the Judiciary Committee.

There are real-life consequences to this obstruction. Each judge Republicans block, each nomination they slow-walk results in delay of justice. As the maxim goes, justice delayed is justice denied. And that certainly is true.

A Wall Street Journal article from April quoted U.S. district judge Lawrence O'Neill from the Eastern District of California:

Over the years I've received several letters from people indicating, “Even if I win this case now, my business has failed because of the delay. How is this justice?” And the simple answer, which I cannot give them, is this: “It is not justice. We know it.”

Judge O'Neill is 1 of 25 judges I worked to confirm in the first 6 months of the 110th Congress with President Bush. He is absolutely right. What is happening now with the judicial emergencies across the country is not justice. This is Republican politics as usual.

We saw it on display last week when the junior Senator from Delaware came to the floor and asked consent to confirm 5 consensus judges to the U.S. Court of Federal Claims, a really important block of judges doing important work for this country. It was not an outlandish request. After all, the Judiciary Committee favorably reported these five nominations twice—last year under Democrats and again this year under Republicans—but the Presiding Officer, a Republican, objected to that request. His reasoning? The Court of Federal Claims doesn't need these judges. Perhaps the junior Senator from Arkansas should ask the chief judge of the Court of Federal Claims if his court does not need those new judges. The chief judge has pleaded for the immediate filling of these five vacancies since they are creating a caseload problem for the court. But the freshman Senator from Arkansas had his mind made up and blocked every attempt to confirm even a single judge to this important court.

One of his home State newspapers, the Arkansas Times, headlined its report: “Tom Cotton continues his obstructionist ways.”

Yesterday the Washington press took notice that the blocking of these judges coincidentally lined up with the interests of a powerful conservative law firm that is currently representing clients before this court.

A Roll Call headline says: “Cotton Blocks Judges on Court Familiar to His Former Law Firm.” I don't mean to necessarily point fingers at anyone. After all, the junior Senator from Arkansas is only following, I assume, the Republican leader's example. There are currently five district court judges awaiting votes on the Senate floor. All five were reported out of the Judiciary Committee unanimously, proving they are consensus, noncontroversial candidates. So why hasn't the Republican leader scheduled their confirmation votes? Three of the district nominations are classified as judicial emergencies—including one judge in the Eastern District of California, and that is the court that Judge O'Neill serves. The Republican leader should bring them to the floor.

Again, the record is clear. Democrats confirmed all of these judges for President Bush, and the Republicans are basically confirming no one for President